

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO**

In re:	)	Case No. 14-11344
	)	
Lawrence Wohleber	)	Chapter 13
	)	
Debtor.	)	Judge Jessica E. Price Smith
	)	

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Lawrence Wohleber	)
39481 State Route 18	)
Wellington, OH 44090	)
	)
Plaintiff,	)
	)
v.	)
	)
Jennifer Skurko	)
7671 Mary Rd.	)
Mentor, OH 44060	)
	)
Leslie A. Gentile	)
19111 Detroit Rd.	)
Cleveland, OH 44116	)
	)
Judge Debra L. Boros	)
Lorain County Domestic Relations Court	)
225 Court St.	)
Elyria, OH 44035	)
	)
Defendants.	)

**COMPLAINT FOR VIOLATION OF 11 U.S.C. §362(h)**

Now comes Debtor Lawrence Wohleber, Jr., by and through undersigned counsel, and states the following in support of his complaint for violations of 11 U.S.C. §362(a) against Defendants.

## **I. PARTIES**

1. Plaintiff, Lawrence Wohleber, is the Debtor in Chapter 13 case no. 14-11344 and has standing to bring this complaint against Defendants.
2. Defendant Jennifer Skurko is the Debtor's ex-wife and a creditor in Chapter 13 case no. 14-11344.
3. Defendant Leslie Gentile is the attorney who represented Defendant Jennifer Skurko in the domestic relations case between Plaintiff and Defendant Skurko.
4. Defendant Judge Debra Boros, is a Judge presiding in the Lorain County Domestic Relations Court in Lorain County, Ohio which has jurisdiction over the divorce proceedings of the Plaintiff and Defendant Skurko.

## **II. JURISDICTION AND VENUE**

5. This is an adversary proceeding in which the Plaintiff seeks damages against Defendants for violation of 11 U.S.C. §362(a).
6. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §1334 and 157(a) and the "Referral of Title 11 Matters in the U.S. Bankruptcy Court for the Northern District of Ohio," entered under Order No. 2012-7. It is a core proceeding over which this court has jurisdiction under 28 U.S.C §157(b)(2)(J).
7. Venue is proper in the Court as provided in 28 U.S.C. §1409.

## **III. VIOLATION OF AUTOMATIC STAY PROVISIONS OF 11 U.S.C. §362(a)**

8. On October 4, 2013, Plaintiff filed Chapter 13 case no. 13-17042 in the Northern District of Ohio Bankruptcy Court, Eastern Division.
9. On October 4, 2013, a suggestion of bankruptcy was filed in Lorain County Domestic Relations Court case number 04DU063421.
10. Pursuant to 11 U.S.C. §362(a), an automatic stay applicable to all entities was in effect as of the commencement of Plaintiff's Chapter 13 filing on October 4, 2013.
11. On October 8, 2013, Plaintiff provided his bankruptcy filing information in person in the courtroom of Judge Debra Boros in front of all parties and on the court record.
12. On October 8, 2013, notwithstanding the bankruptcy filing, Judge Debra Boros held a

hearing on the contempt of Debtor for not paying a property settlement award to the Defendant Jennifer Skurko.

13. Despite knowledge of the Chapter 13 filing, Defendant Skurko and Defendant Gentile proceeded with Defendant Skurko's request for the contempt hearing.
14. Despite knowledge of the Chapter 13 filing, Defendant Boros proceeded with the hearing, found Plaintiff in contempt for failing to pay the property settlement, and sentenced Plaintiff to serve thirty (30) days in jail.
15. Plaintiff was handcuffed and taken into custody immediately after the hearing.
16. During Plaintiff's time in jail, Defendants attempted to negotiate a monetary settlement as a condition of Plaintiff's release from jail.
17. Plaintiff remained incarcerated from October 8, 2013 until October 17, 2013.
18. The above actions by Defendants violated the automatic stay provided by 11 USC 362(a)(1), (2), (3), and (6).
19. As a result of Defendants' violation of the automatic stay provided by 11 U.S.C. §362(a), Plaintiff suffered permanent physical and psychological injury, economic loss in addition to fees associated with his incarceration and legal fees.

Wherefore, Plaintiff prays for damages in an amount to be determined against all Defendants, for attorney fees, and for all other relief to which he is entitled.

Respectfully submitted,

/s/Antoinette E. Freeburg  
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